FILED

07 OCT -9 AM 10:01

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rocco PALOMBA

Defendant.

Magistrate Case No. '07 MJ 2394

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation (Felony)

The undersigned complainant being duly sworn states:

On or about **October 8, 2007**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Rocco PALOMBA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Lorena RIVERA-Jaime**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, U.S. Customs and Border Protection Enforcement Officer.

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **9th** DAY OF **October, 2007**.

UNITED STATES MAGISTRATE JUDGE

JPME

PROBABLE CAUSE STATEMENT

The complainant states that **Lorena RIVERA-Jaime** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 8, 2007 at approximately 1445 hours, **Rocco PALOMBA (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry as the driver of a 1987 Blue Nissan Sentra. Accompanying the defendant was passenger, Ralph Michael ANTHONY. A Customs and Border Protection Officer received two negative declarations from the defendant. Defendant presented his valid State of Arizona driver license (B11320893) and the passenger presented his valid state of Missouri driver license (491849669) as identification. Defendant stated he was going San Diego. Defendant claimed ownership of the vehicle. The officer performed an inspection of the vehicle and tapped the gas tank with his screwdriver and noticed it tapped solid. The CBP Officer elected to escort the vehicle and it's occupants to secondary for further inspection.

In secondary, a CBP Officer along with his Narcotics/Human Detection Dog (N/HDD) conducted a search on the vehicle. The N/HDD alerted and responded to the rear seat of the vehicle. CBP Officers lifted up the back seat of the vehicle and discovered a person concealed within. CBP Officers assisted the concealed person and one female was removed from under the back seat of the vehicle. Further investigation revealed the female to be a citizen and native of Mexico with no entitlements to enter, pass-through, or reside in the United States and is now identified as Material Witness, **Lorena RIVERA-Jaime**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit questioning without benefit of counsel. Defendant admitted attempting to smuggle an undocumented alien under the rear seat of the vehicle. Defendant admitted he was going to receive between $800.00 and $1,000.00 USD for smuggling the alien into the United States.

During a videotaped interview, Material Witness (MW) declared she is a citizen of Mexico who has no legal right to enter the United States. MW stated she was going to Los Angeles, California to seek employment and that she was going to pay $3,000 USD to be smuggled into the United States.